

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

RECEIVED

SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of

Reallocation of Television Channels 60-69,
the 746-806 MHz Band

MM Docket No. 97-157

COMMENTS OF
THE ASSOCIATION OF LOCAL TELEVISION STATIONS, INC.



Association of Local Television Stations, Inc.
1320 19th Street, N.W.
Suite 300
Washington, D.C. 20036
(202) 887-1970

September 15, 1997

No. of Copies rec'd
List ABCDE

029

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the matter of

Review of the Commission's Rules
regarding the main studio and
local public inspection files of
broadcast television and radio stations

MM Docket No. 97-138

**COMMENTS OF
THE ASSOCIATION OF LOCAL TELEVISION STATIONS, INC.**

ALTV's primary concern in this proceeding is assuring that channels 60-69 remain safe and secure spectrum for continuation of local broadcast television service during the transition to full broadcast DTV service.¹ Whereas ALTV appreciates the Commission's desire to effectuate the reallocation of channels 60-69 to public safety and other services -- which offer not only the prospect of new and innovative services, but also auction revenues --, as promptly as possible, free broadcast television service remains the core of video program service to the American public. Moreover, broadcast television is poised on the verge of a new era. Over the next decade, local television stations will embrace digital transmission as the medium of choice and abandon their analog service. The emergence of digital broadcast television, however, will be a time of special

¹The following comments are submitted by the Association of Local Television Stations, Inc. ("ALTV"), a non-profit, incorporated association of local television stations. "Local television stations" as referred to herein include not only truly independent stations, but also local television stations affiliated with the Fox, UPN, and WB networks. Among ALTV's member stations are 19 stations which operate on channels 60-69. Nationwide, approximately 37 local television stations not affiliated with the ABC, CBS, or NBC television networks operate on channels 60-69.

vulnerability for local television stations. The enormous capital investments required of stations must be risked against uncertainty. No assurance exists that stations will be able to generate more than their existing revenues when operating both analog and digital channels during the transition.² No assurance exists that the public will respond favorably to digital television or any of the new video products stations may offer via DTV. Indeed, no assurances exist that DTV technology will perform as flawlessly in widespread use as it has in the laboratory. Thus, during the transition period, local television stations will be facing monumental risks with no promise that potential rewards will be nearly so great. In such an environment, local television stations hardly should be looking over their shoulders constantly at threats to the integrity and utility of their spectrum.

Also at the outset, ALTV reminds the Commission that the transition to DTV is a temporary phenomenon. Any accommodation to broadcast services on channels 60-69 during the transition necessarily will end once the transition to DTV is complete. Therefore, the cost of any such accommodations must be discounted to reflect their temporary nature. The benefits, however, are both near term and long term. Not only are the benefits of existing local broadcast television service maintained, but DTV enters the vastly competitive video marketplace on a surer footing with the success of DTV envisioned by the Commission squarely in its sights.

In consideration of the above concerns, ALTV offers the following comments in response to the Commission's *Notice of Proposed Rule Making*, FCC 97-245 (released July 10, 1997) [hereinafter cited as *Notice*] in the above-captioned proceeding:

Channels 60-69 must remain available for maximum use by local analog and DTV television broadcast television stations during the transition from analog to digital television. The Commission still is facing significant problems in accommodating the

²In all likelihood, the same television audience will become more fragmented, as the number of broadcast choices alone essentially doubles.

need of every local television station for a DTV allotment which will replicate the coverage of its NTSC analog facility. As ALTV and others have warned the Commission, many UHF DTV facilities assigned to UHF analog stations are insufficient power-wise to maintain their ability to provide service to many of their viewers, even within their predicted Grade A contours.³ Additionally, as noted by the Commission in its *Notice* (at ¶21), numerous requests for reconsideration of individual channel assignments are pending. Channels 60-69 will be needed to accommodate adjustments to the Commission's table of DTV allotments to solve the UHF power problem and other individual station concerns with the current table.⁴ Therefore, the Commission must give priority to broadcast use of channels 60-69 until the transition to DTV is complete.

Local television stations must be accorded full protection from non-broadcast interference in the channel 60-69 frequency band. ALTV completely concurs with the Commission's position that local television stations remain fully protected from interference during the transition period.⁵ Although the particulars of interference protection have been deferred to a subsequent proceeding, the Commission must do nothing in this proceeding which might undermine its ability to provide full interference protection to analog and digital broadcast facilities on channels 60-69 during the transition.⁶ In particular, ALTV states its support for the position of the Broadcast Caucus that the separate 12 MHz public safety allocations proposed by the Commission be combined into a single 24 MHz allocation and placed at 782-806 MHz. As the caucus points out, interference protection will be more easily accomplished with a

³Petition for Reconsideration, MM Docket No. 87-268, filed June 13, 1997, by ALTV, at 3.

⁴As the Commission recognizes, stations assigned to new channel 60-69 allotments will be fully protected from interference from new nonbroadcast users of the spectrum. *Notice* at ¶21.

⁵*Notice* at ¶6.

⁶See *Notice* at ¶¶6, 16.

single, rather than split public safety allocation. ALTV also supports the Commission's proposal (*Notice* at 21) to protect fully any new DTV allotments in the 746-806 MHz band adopted on reconsideration of the Commission's *Sixth Report and Order*. Local television stations in the midst of the challenge of developing and promoting digital television to the public must remain insulated from the potential ravages of spectrum snipers. ALTV also endorses the Commission's position that facilities represented by unbuilt construction permits retain full protection from non-broadcast interference on channels 60-69. Nothing could be inimical to a successful start-up of a television station than a coverage area diminished by unexpected interference. Finally, new DTV stations on channels 60-69 should be permitted to improve their facilities.⁷ Many DTV licensees may find it financially necessary to construct submaximum DTV facilities initially and later seek to improve their facilities to the maximum permitted. They should not be prevented from subsequent improvements during the transition. Just as their maximum facilities under their allotment is protected from interference from broadcast facilities, their ability to upgrade also should remain protected from non-broadcast operations. In short, local broadcast stations, NTSC and DTV must remain the priority users of channels 60-69 during the transition. For all intents and purposes *during the transition*, they should retain all interference protection and facility improvement options and flexibility as if the 746-806 MHz frequency band had not been reallocated to other non-broadcast services.

TV translators on channels 60-69 should be accommodated during the transition to DTV. Whereas ALTV acknowledges and endorses the secondary status of TV translator (and LPTV) stations *vis-a-vis* full service television stations, the Commission ought assure that they are not driven peremptorily from the air by new nonbroadcast services during the transition. Television translators provide a valuable service for many local television stations by furnishing their signals to viewers in their markets who otherwise would be denied access to the

⁷*Notice* at ¶21.

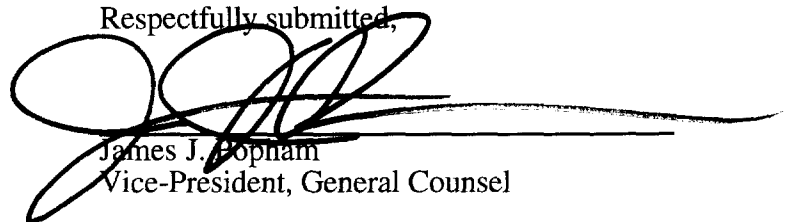
station's programming. Already caught in the squeeze of the new DTV allotments, more TV translators should not be snuffed out by the further incursion of new nonbroadcast services on channels 60-69.

Therefore, the Commission should reallocate channels 60-69 to new services subject to the considerations that

- Channel 60-69 remain available for maximum use by analog and DTV local television broadcast television stations during the transition from analog to digital television;
- Local television stations are accorded full protection from non-broadcast interference in the channel 60-69 frequency band; and
- TV translators on channels 60-69 are accommodated during the transition to DTV.

In acting accordingly, the Commission properly will maintain its focus on the need to preserve service offered by local television stations on channels 60-69, as well as the need to promote expeditious development of DTV.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'James J. Popnam', is written over the typed name and title.

James J. Popnam
Vice-President, General Counsel

**Association of Local Television
Stations, Inc.**

1320 19th Street, N.W.
Suite 300
Washington, D.C. 20036
(202) 887-1970

September 15, 1997